

Remarks

The applicants are submitting this application as a Request for Continued Examination. As a preliminary amendment, the applicants have amended claims 16, 17, 29, 30 and 48 and have canceled claims 2-4, 10-15, 18-28, 36-47, 52-63 and 65-67. Upon entrance of this amendment, the application will include 20 claims with four of the claims being independent (claims 1, 29, 48 and 64).

In the previous file history for this case, the Office has been citing U.S. Patent Number 5,619,247 awarded to Russo and U.S. Patent Number 5,557,541 awarded to Schulhof et al. in support of a 35 U.S.C. 103(a) rejection of the claims. These references have been reviewed in detail and the applicants greatly appreciate the Office's consideration of the following points in view of the currently amended and previously presented claims.

The Office has repeatedly indicated that Russo does not teach a system in which movies are transmitted at faster than real time speeds to the customer. However, the Office has alleged that (a) Schulhof teaches a method for a customer to record programming by transmitting the program faster than real time and (b) it would have been obvious to combine the Russo and Schulhof references to achieve the invention as recited in claim 1. The applicants respectfully disagree with the Office's position regarding this argument based at least in part on the following rational.

The applicants agree with the Office that Russo does not teach the delivery of movies at faster than real time speeds. Schulof teaches the deliver of music, audio content only. The technological hurdles associated with the delivery of movies, or video content, in faster than real time speed are much more complicated and problematic than simply delivering audio content. Thus, the applicants respectfully submit that the combination of Russo and Schulof would not

render the delivery of movies at faster than real time speeds obvious. There would be no motivation to adopt the technology used for the delivery of high speed audio for the delivery of high speed video. In fact, such an adoption would not be technologically feasible.

The applicants are resubmitting independent claim 1 which includes the limitation of delivering movies at faster than real time speeds and have amended independent claims 29 and 48 to include the same limitation. Therefore, applicants respectfully submit that independent claims 1, 29 and 48 are presently in condition for allowance. Consequently, claims 6-9 and 16-17 which depend either directly or indirectly from claim 1, claims 30-35 which depend either directly or indirectly from claim 29, and claims 49-51 which depend either directly or indirectly from claim 48 are also in condition for allowance.

In addition, the applicants would like to point out that claims 5-9, 29-35 and 48-51 include various degrees of encoding the transmitted movies to provide authorization for playing back the recorded movies. The Office has admitted that Russo does not specifically disclose the recited encoding method. However, the Office has alleged that the recited method would clearly have been a matter of design choice because the recording system would work essentially the same with other encoding schemes. The applicants respectfully submit that as a basis of rejection, this argument is not understood.

The claims recite a new and novel technique to encode the delivered content. As described in the specification, this technique advantageously provides a level of confidence to the owners of the delivered content to prevent unauthorized access to the content. As admitted by the Office, this technique is not taught in the cited references and the applicants respectfully request the Office to either allow the claims based on this limitation or cite a reference that either

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defeats novelty or renders the invention obvious. In the absence of such, the applicants respectfully submit that these claims are allowable.

Claim 64, among other things, recites the limitation of permitting a customer to select at least one movie to maintain for unrestricted playback. Neither Russo nor Schulhof teach such a use and it would not have been obvious by combining those references to implement such a technique. Thus, the applicants respectfully submit that claim 64 is in condition for allowance.

Conclusion

The applicants respectfully submit that the previously presented claims and the amended claims are allowable over the cited art. The applicants greatly appreciate the Office's close review of the presented arguments and request the Office to expedite this case to allowance.

If the Office decides to issue another rejection of any of the pending claims, the applicants respectfully request a telephonic interview between the Examiner and the undersigned attorney to discuss the basis for such a rejection. If the Office has any questions regarding these claims or this response, the Office can call the applicant's attorney, Gregory Smith at (770) 804-9070.

Respectfully submitted,

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